



November 16, 1999

Mr. Gary W. Smith
Legal Advisor
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR99-3262

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128967.

The Baytown Police Department (the "department") received a request for all information related to report number 9926919. You seek a determination as to whether the marked portions of the report are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

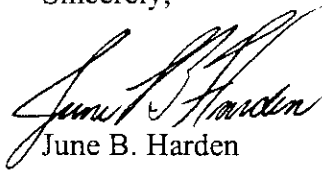
Section 552.108(b) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution...if: (1) release of the internal record or notation would interfere with law enforcement or prosecution; (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]" We have reviewed your arguments and conclude that you have shown the applicability of section 552.108(b)(2) to most of the marked information. We have bracketed the portions of the report you may withhold under section 552.018(b)(2).

We note, however, that the remaining marked portions of the report consist of basic information which must be released in accordance with section 552.108(c) and *Houston*

Chronicle Publishing Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the department must release to the requestor the identity of the responding officer. *See* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*). Furthermore, the department has not demonstrated that the phone number of the USA Washateria or the amount of time the officer was on the scene is information that is excepted from disclosure under section 552.108. Consequently, the department must release this information as well.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 128967

Encl. Marked documents

cc: Ms. Debbie Palacios
2306 Wright Boulevard
Baytown, Texas 77520
(w/o enclosures)